

ក្រសួងពាណិជ្ជកម្ម

Ministry of Commerce

អគ្គនាយកដ្ឋាន សេវាពាណិជ្ជកម្ម

General Directorate of Trade Support Services

នាយកដ្ឋាន កម្មសិទ្ធិបញ្ញា

Department of Intellectual Property

ព្រះរាជាណាចក្រកម្ពុជា

Kingdom of Cambodia

ជាតិ សាសនា ព្រះមហាក្សត្រ

Nation Religion King

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DATE OF NOTIFICATION	05 SEP 2019

The International Bureau

World Intellectual Property Organization
34, chemin des Colombettes
1211 Geneva 20
Switzerland



2019-20588

**NOTIFICATION OF A PROVISIONAL REFUSAL OF PROTECTION
OF AN INTERNATIONAL REGISTRATION DESIGNATING
CAMBODIA
Rule 17(1)**

International Registration No:	1416166
IR Date (Filing Date):	May 3, 2018
Applicant:	XIE PINGPING (whose legal address is Room 705, Qianshuiwan Taoyuan, No. 1699 Xiadian Road, Gongchen Street, Licheng District, Putian City Fujian Province, China)
Mark:	
Class(es):	25

This is a provisional refusal based on ex-officio examination. The issues listed below prevent the Department of Intellectual Property Rights from granting the registration of the mark for **all the goods and/or services** covered by the international registration.

Grounds for the provisional refusal:


Confusingly similar well-known mark and not similar goods or services



It is confusingly similar to a mark or trade name which is well known and registered in the Kingdom of Cambodia for goods or services which are not identical or similar to those covered in the present application, but the use of the mark in relation to those goods or services would indicate a connection between those goods or services and there is likelihood of damage to the interests of the owner of the well-known mark.



Article 4: A mark cannot be validly registered:


(f)-if it is identical with, or confusingly similar to, or constitutes a translation of a mark or trade name which is well-known and registered in the Kingdom of Cambodia for goods or services which are not identical or similar to those in respect of which registration is applied for, provided that use of the mark in relation to those goods or services would indicate a connection between those goods or services and the owner of the well-known mark that the interests of the owner of the well-known mark are likely to be damaged by such use.

Application No.	KH/04361/94	Filing Date	20/04/1994
Registration No.	KH/4359/94	Registration Date	26/04/1994

Applicant / Registrant	SANYO Electric Co., Ltd. 5-5, Keihan-Hondori 2-chome, Moriguchi City, Osaka, Japan, Japan		
Representative / TM Agent	KIMLY IP SERVICE Borey Piphup Thmey, Somrong Andeth No. 22, St. No. 3, Phum Raungchack, Sangkat Phnom Penh Thmey, Khan Sen Sok, Phnom Penh, Cambodia., Cambodia		
Priority Claim			
Reproduction of Mark	SANYO Stylized 		
Class(es)	Class 11: Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, particularly, microwave ovens; gas ovens; gas ranges; toasters; toaster ovens; hot plates; induction heating plates for cooking; roasters; microwave defrosters; electric apparatus for keeping food warm; rice cookers; electric jars; electric flyers; electric SAKE (Japanese rice wine) warmers; coffee makers; electric pots; gas and electric cooking stoves; grills; sinks; refrigerators; freezers; ice cube makers; refrigerated showcases; water heaters; boilers; showers systems; water purifiers; water coblers; water chillers; prefabricated medical cold rooms for storage of drugs, specimens and/or blood and for experiments at hospital and/or medical institutions; refrigerators and/or freezers for medical and/or laboratory use; gas, kerosene and/or electric heaters; fan heaters; panel heaters; oil furnaces; electric fans; electric ventilators; window fans; air conditioners; central heating/cooling systems; absorption cooling/heating systems; electric foot warmers; electric blankets; electric warming pans; electric hot carpets; hair dryers; lamps; lighting fixtures; emergency lamps; flash lights; electric bulbs; air fresheners; air purifiers; dynamo lighting sets and bulbs; toilet seats.		
Application No.	KH/04363/94	Filing Date	20/04/1994
Registration No.	KH/4361/94	Registration Date	26/04/1994
Applicant / Registrant	SANYO Electric Co., Ltd. 5-5, Keihan-Hondori 2-chome, Moriguchi City, Osaka, Japan, Japan		
Representative / TM Agent	DOMNERN SOMGIAT & BOONMA LAW OFFICE LTD / KIMLY IP SERVICE Borey Piphup Thmey, Somrong Andeth No. 22, St. No. 3, Phum Raungchack, Sangkat Phnom Penh Thmey, Khan Sen Sok, Phnom Penh, Cambodia., Cambodia		
Priority Claim			
Reproduction of Mark	SANYO Stylized 		
Class(es)	Class 16: Paper including paper for copying, printing and/or facsimile apparatus and machine, cardboard and goods made from these materials not included in other classes; printed matter; bookbinding materials; photographs; stationery; adhesive for stationery for household purposes; artist's materials; paint brushes; typewriter and office requisites (except furniture); paper shredders; electric pencil sharpeners; black boards; instructional and teaching material (except apparatus); plastic materials for packaging (not including in other classes); playing card; printers type; printing blocks.		

Application No. Registration No.	KH/04359/94 KH/4357/94	Filing Date Registration Date	20/04/1994 26/04/1994
Applicant / Registrant	SANYO Electric Co., Ltd. 5-5, Keihan-Hondori 2-chome, Moriguchi City, Osaka, Japan, Japan		
Representative / TM Agent	DOMNERN SOMGIAT & BOONMA LAW OFFICE LTD / KIMLY IP SERVICE Borey Piphup Thmey, Somrong Andeth No. 22, St. No. 3, Phum Raungchack, Sangkat Phnom Penh Thmey, Khan Sen Sok, Phnom Penh, Cambodia., Cambodia		
Priority Claim			
Reproduction of Mark	SANYO & Device 		
Class(es)	Class 8: Hand tools and implements (hand operated), cutlery, side arms, razors; particularly, electric shavers and electric hair clippers for personal use.		
Application No. Registration No.	KH/04358/94 KH/4356/94	Filing Date Registration Date	20/04/1994 26/04/1994
Applicant / Registrant	SANYO Electric Co., Ltd. 5-5, Keihan-Hondori 2-chome, Moriguchi City, Osaka, Japan, Japan		
Representative / TM Agent	KIMLY IP SERVICE Borey Piphup Thmey, Somrong Andeth No. 22, St. No. 3, Phum Raungchack, Sangkat Phnom Penh Thmey, Khan Sen Sok, Phnom Penh, Cambodia., Cambodia		
Priority Claim			
Reproduction of Mark	SANYO Stylized 		
Class(es)	Class 7: Machines and machine tools, motors and engines (except for land vehicles), machine coupling and transmission components (except for land vehicle), agricultural implements, incubators for eggs; particularly, compressors; pumps for wells; dynamos; shredding machines; dish washing machines; dish drying machines; electric ice grinders; electric juicers; electric meat grinders; electric food slicing, shredding, grating and chopping machines; mixers; mills; noodle making machines; rice cake making machines; electric food blenders; washing machines; dry cleaning apparatus; dry machines; ironing pressers for laundry; electric can openers; electric scissors; electric hand drills; electric disposers for commercial use; industrial robots; sorting and packing machines; industrial vacuum cleaners; parts and fittings all the foregoing goods.		
Application No. Registration No.	KH/15909/01 KH/15566/01	Filing Date Registration Date	21/08/2001 02/10/2001
Applicant / Registrant	SANYO Electric Co., Ltd. 5-5, Keihan-Hondori 2-chome, Moriguchi-shi, Osaka, Japan		
Representative / TM Agent	INVENCO / KIMLY IP SERVICE Borey Piphup Thmey, Somrong Andeth No. 22, St. No. 3, Phum Raungchack, Sangkat Phnom Penh Thmey, Khan Sen Sok, Phnom Penh, Cambodia., Cambodia		



Application No. Registration No.	KH/04362/94 KH/4360/94	Filing Date Registration Date	20/04/1994 26/04/1994
Applicant / Registrant	SANYO Electric Co., Ltd. 5-5, Keihan-Hondori 2-chome, Moriguchi City, Osaka, Japan, Japan		
Representative / TM Agent	DOMNERN SOMGIAT & BOONMA LAW OFFICE LTD / KIMLY IP SERVICE Borey Piphup Thmey, Somrong Andeth No. 22, St. No. 3, Phum Raungchack, Sangkat Phnom Penh Thmey, Khan Sen Sok, Phnom Penh, Cambodia., Cambodia		
Priority Claim			
Reproduction of Mark	SANYO Stylized 		
Class(es)	Class 14: Precious metal and their alloys and goods in precious metal or coated therewith not included in other classes; jewelry, jewelry, precious stones; horological and chromatic instruments; particularly, electric digital and/or analog watches and parts and accessories thereof, namely watch movements, watch bands and watch cases.		
Application No. Registration No.	KH/04360/94 KH/4358/94	Filing Date Registration Date	20/04/1994 26/04/1994
Applicant / Registrant	SANYO Electric Co., Ltd. 5-5, Keihan-Hondori 2-chome, Moriguchi City, Osaka, Japan, Japan		
Representative / TM Agent	KIMLY IP SERVICE Borey Piphup Thmey, Somrong Andeth No. 22, St. No. 3, Phum Raungchack, Sangkat Phnom Penh Thmey, Khan Sen Sok, Phnom Penh, Cambodia., Cambodia		
Priority Claim			
Reproduction of Mark	SANYO Stylized 		
Class(es)	Class 9: Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire- extinguishing apparatus; particularly, apparatus for receiving, amplifying, converting, equalizing, controlling, recording, transmitting and/or reproducing audio and/or video signals; namely, radio receivers, phonograph turntables, audio and/or video tape end/or disc recorders and/or reproducers, audio and/or video tapes and/or discs, amplifiers, radio receiving tuners, loudspeakers, equalizers, video cameras, projectors, converters and decoders for analog/digital signals, radios and/or stereo for automobiles, microphones, headphones, transceivers, color televisions, black and white televisions, monitoring apparatus, dictating machines, public address systems, aerials, closed caption systems; screens; optical lenses; telephone apparatus, instruments and answering machines; intercommunication systems, door bells; navigation instruments for cars, speedometers for cycles, siren and horns for cycles; batteries and cells.		

	electric coffee makers; electric cooking ovens; electric cooking pots; electric cooking stoves; gas cooking stoves; water purifying apparatus and machines; water filtering apparatus; parts and fitting for all the aforementioned goods.		
Application No. Registration No.	KH/15910/01 KH/15567/01	Filing Date Registration Date	21/08/2001 02/10/2001
Applicant / Registrant	SANYO Electric Co., Ltd. 5-5, Keihan-Hondori 2-chome, Moriguchi-shi, Osaka, Japan		
Representative / TM Agent	INVENCO / KIMLY IP SERVICE Borey Piphup Thmey, Somrong Andeth No. 22, St. No. 3, Phum Raungchack, Sangkat Phnom Penh Thmey, Khan Sen Sok, Phnom Penh, Cambodia., Cambodia		
Priority Claim			
Reproduction of Mark	N & Device 		
Class(es)	Class 9: Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; batteries; battery boxes; capacitors; chargers for electric batteries; dry cells; electric accumulators; solar batteries; electric buzzers; distribution machines, automatic; cash registers; electric flat irons; hair-curlers, electrically heated; telecommunication machines and apparatus; telephone machines and apparatus; telephone sets; television apparatus; radio receivers; video telephones; video disk players; video recorders; video tape recorders; camcorder; digital cameras; tape recorders; compact disk players; intercoms; loudspeakers; recorded compact disks; recorded video disks and tapes; sound recording discs; electronic machines, apparatus and their parts; computers; (see the remarks below) computer peripheral devices; computer software; blank compact disks; optical disks; magnetic disks; magnetic tapes; semi-conductors; electronic notice boards; parts and fitting for all the aforementioned goods.		

Information relating to subsequent procedure:

The applicant must respond in writing to this provisional refusal within **sixty (60) days** from receipt of the notification of this refusal from the International Bureau (IB). The response must be filed by a duly authorized resident representative in Cambodia. The representative must be appointed pursuant to Article 58 of the Law Concerning Marks, Trade Names and Acts of Unfair Competition and Article 28 of the Sub-Decree on the Implementation of the TM Law.

Pursuant to Article 17(2) of the Sub-Decree on the Implementation of the Trademark Law, the applicant or holder, through the duly authorized representative, must submit the legal arguments, the required amendments or modifications, disclaimers (on any element(s) of the mark) or limitations required within the prescribed period.

Priority Claim			
Reproduction of Mark	<p>N & Device</p> 		
Class(es)	<p>Class 7: Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs; pumps [machines]; pumps [parts of machines, engines or motors]; compressors [machines]; current generators; dynamos; vacuum cleaners; vacuum cleaners for industrial purposes; washing machines; coin-operated washing machines; washing machines [laundry]; washing machines for industrial purposes; drying machines; dishwashers; electric food blenders; electric food processors; fruit presses, electric, for household purposes; grinding machines; grinders / crushers, electric, for household purposes; electric shoe polishers; machines and apparatus for wax-polishing [electric]; electric knives; dynamo brushes; electric can openers; electric hand drills; drilling machines; parts and fitting for all the aforementioned goods.</p>		
Application No.	KH/15911/01	Filing Date	21/08/2001
Registration No.	KH/15568/01	Registration Date	02/10/2001
Applicant / Registrant	<p>SANYO Electric Co., Ltd. 5-5, Keihan-Hondori 2-chome, Moriguchi-shi, Osaka, Japan</p>		
Representative / TM Agent	<p>INVENCO / KIMLY IP SERVICE Borey Piphup Thmey, Somrong Andeth No. 22, St. No. 3, Phum Raungchack, Sangkat Phnom Penh Thmey, Khan Sen Sok, Phnom Penh, Cambodia., Cambodia</p>		
Priority Claim			
Reproduction of Mark	<p>N & Device</p> 		
Class(es)	<p>Class 11: Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; electric lamps and other lighting apparatus; pocket searchlights; boilers [other than parts of machines]; freezing machines and apparatus; freezers; refrigerating or freezing showcases; ice machines and apparatus; air-conditioning apparatus; air cooling apparatus; solar collectors [heating]; solar water heaters; showers; air purifiers; dehumidifiers; air dryers; humidifiers; blanket, electric, not for medical purposes; clothes drying machines, electric; electric laundry dryers; electric fans for personal use; electric space cooling apparatus; footwarmers [electric or non-electric]; electric kettles; electric radiant heaters; electric sleeping mattresses; electrically-heated carpets; hair dryers; electric refrigerators; electric cooking apparatus and installations; electric cooking utensils; electric pressure cookers [autoclaves], electric; electric pressure cooking saucepans; electric toasters; electric waffle irons; electromagnetic induction cookers; microwave ovens [cooking apparatus]; hot plates; roasters;</p>		

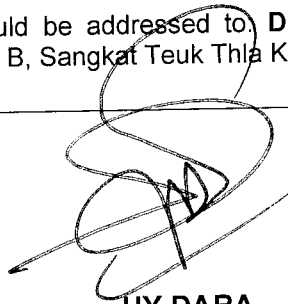
In the alternative and in accordance with Article 17(3) of the Sub-Decree on the Implementation of the Trademark Law, the holder, through the duly authorized representative, may submit a written request for a hearing to the Registrar. Upon receiving this request, the Registrar shall notify the applicant, in writing, at least one month before the date on which the applicant will be invited to be heard.

Failure to respond to the provisional refusal within the required period will result in the abandonment of the international registration.

If, after the holder's written response or hearing, the Registrar accepts the mark according to Article 19(1), the mark will be registered and the statement of grant of protection will be issued. The registered mark will then be published for opposition for a period of 90 days.

However, if after considering the applicant's response or hearing, the Registrar still refuses the registration of the mark, the applicant may, pursuant to Article 18(1), within one (1) month from the date of the communication from the Registrar, request the confirmation of the decision and the materials referred to in the decision. Under Article 18(2), the applicant may then appeal the Registrar's decision to the Appeal Board of the Ministry of Commerce or the competent court within three (3) months from the date of the decision.

All responses or communication should be addressed to, **Department of Intellectual Property Rights Ministry of Commerce**, Lot 19-61 113 B, Sangkat Teuk Thla Khan Sen Sok, Phnom Penh, Cambodia.



HY DARA

Chief of Bureau of International Marks Registration